

1 JOHN L. BURRIS, ESQ. (State Bar No. 69888)  
2 BENJAMIN NISENBAUM, ESQ. (State Bar No. 222173)

2 **LAW OFFICES OF JOHN BURRIS**

3 Airport Corporate Center  
4 7677 Oakport St., Suite 1120  
5 Oakland, CA 94621  
Telephone: (510) 839-5200  
Facsimile: (510) 839-3882

6 Attorney for Plaintiffs

7 **UNITED STATES DISTRICT COURT**

8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

9 NICK BRENNAN, individually and as ) Case No.: C 08 05360 JSW  
10 executor of the ESTATE OF JAMES )  
BRENNAN; MATT BRENNAN; TED ) STIPULATION AND (~~PROPOSED~~)  
11 BRENNAN; S.B., a minor, by and through her ) ORDER CONTINUING FURTHER CASE  
Guardian Ad Litem, ELIZABETH MALONE, ) MANAGEMENT CONFERENCE DATE  
AND EXTENDING ADR DEADLINES

12 Plaintiffs, )

13 vs. )

14 COUNTY OF CONTRA COSTA, a )  
15 municipal corporation; WARREN RUPF in )  
his official capacity as sheriff for the )  
16 CONTRA COSTA COUNTY SHERIFF'S )  
DEPARTMENT; DEPUTY IAN JONES )  
17 individually and in his capacity as deputy )  
sheriff for the CONTRA COSTA COUNTY )  
18 SHERIFF'S DEPARTMENT; DEPUTY )  
MARK JOHNSON, individually and in his )  
19 official capacity as a deputy sheriff for the )  
COUNTY OF CONTRA COSTA; CITY OF )  
20 OAKLEY, a municipal corporation; CHRIS )  
THORSEN in his official capacity as chief of )  
police for CITY OF OAKLEY; and DOES 1- )  
21 100, inclusive;

23 Defendants

---

24  
25  
BRENNAN V. COUNTY OF CONTRA COSTA, ET AL.  
Stipulation and (~~proposed~~) Order to extend ADR deadlines and continue further Case Management Conference  
CASE NO. C 08 05360 JSW

## STIPULATION

Pursuant to Local Rule 7-11, the parties file this stipulated motion to extend the ADR deadline in this case.

The parties have agreed to mediation of this matter through an ADR-appointed mediator, and Martin H. Dodd has been appointed as mediator. Mediation was to have been completed by July 21, 2009. The parties have been engaged in discovery in this wrongful death action, and believe that further discovery must be completed in order to conduct meaningful ADR discussions. The parties have conferred with Mr. Dodd, who concurs with the parties' request to extend the ADR deadline. Discovery in the case is proceeding, and the parties and Mr. Dodd have agreed to conduct the mediation on October 21, 2009, at 10:00 a.m., when all parties will have completed discovery sufficiently for purposes of mediation.

Whereas a Further Case Management Conference is currently set for July 31, 2009 at 1:30 p.m., the parties stipulate and respectfully request that the Further Case Management Conference be continued to October 23, 2009 at 1:30 p.m., two days after the mediation will be held in this action.

Dated: July 28, 2009

## **The Law Offices of John L. Burris**

/s/  
Ben Nisenbaum  
Attorney for Plaintiffs

Dated: July 28, 2009

## **McNamara, Dodge, Ney, Beatty, Slattery, Borges & Brothers, LLP**

By: /s/  
James V. Fitzgerald, Esq.  
Noah G. Blechman, Esq.  
Attorney for Defendants

BRENNAN V. COUNTY OF CONTRA COSTA, ET AL.

**Stipulation and (proposed) Order to extend ADR deadlines and continue further Case Management Conference  
CASE NO. C 08 05360 JSW**

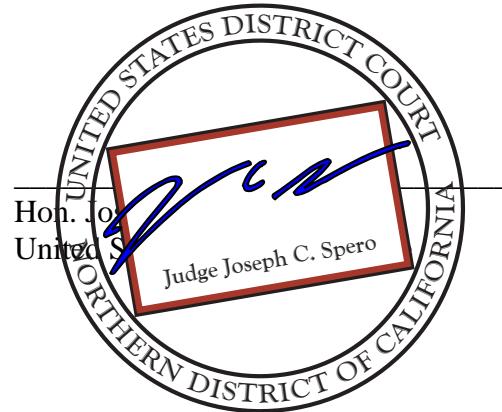
## **(Proposed) Order**

**PURSUANT TO STIPULATION**, good cause based on the parties' need to conduct additional discovery, the Court hereby Orders that the deadline for completion of ADR in this action is hereby extended to October 21, 2009.

**FURTHERMORE**, in light of the re-scheduled mediation date of October 21, 2009 and the parties' Stipulation, the Court hereby continues the July 31, 2009 Further Case Management Conference to October 23, 2009, at 1:30 p.m.

## **IT IS SO ORDERED.**

Dated: 7/29/09



BRENNAN V. COUNTY OF CONTRA COSTA, ET AL.  
Stipulation and (~~proposed~~) Order to extend ADR deadlines and continue further Case Management Conference  
CASE NO. C 08 05360 JSW